

Notice of Allowability

Application No.

10/604,303

Examiner

Juan D Valentin II

Applicant(s)

ZIEMINS ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/19/2004.
2. ☒ The allowed claim(s) is/are 1-8 and 13-20.
3. ☒ The drawings filed on 19 August 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413);
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-8 & 13-21 are allowed over prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the prior art fails to disclose or make obvious “an optical beam splitter having an outer reflecting surface and an inner reflecting surface, said outer reflecting surface reflecting approximately 100% of said invisible light beam and said inner reflecting surface reflecting approximately 50% of said visible light beam in the same path as said invisible light beam, said optical polarizing beam splitter positioned between and approximately coaxial with said invisible light source and said visible light source” and in combination with the other recited limitations of claim 1. Claims 2-6 are allowed by virtue of dependency on the allowed claim 1.

Regarding claim 7, the prior art fails to disclose or make obvious “means for alternatively shuttling said visible light source and said invisible light source in optical alignment with said reflecting mirror” and in combination with the other recited limitations of claim 7.

Regarding claim 8, the prior art fails to disclose or make obvious “a dual mirror assembly positioned between and approximately coaxial with said visible light source and said invisible light source, said dual mirror assembly having a first side opposite said invisible light source and a second side opposite said visible light source such that in operation said invisible light beam and said visible light beam are both reflected and converge at a common point” and in combination with the other recited limitations of claim 8.

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Regarding claim 13, the prior art fails to disclose or make obvious “positioning an optical beam splitter between and approximately coaxial with said invisible light source and said visible light source, said optical polarizing beam splitter having an outer reflecting surface and an inner reflecting surface, said outer reflecting surface reflecting approximately 100% of said invisible light beam and said inner reflecting surface reflecting approximately 50% of said visible light beam in the same path as said invisible light beam” and in combination with the other recited limitations of claim 13. Claims 14-18 are allowed by virtue of dependency on the allowed claim 13.

Regarding claim 19, the prior art fails to disclose or make obvious “providing means for alternatively shuttling said visible light source and said invisible light source in optical alignment with said reflecting mirror” and in combination with the other recited limitations of claim 19.

Regarding claim 20, the prior art fails to disclose or make obvious “positioning a dual mirror assembly between and approximately coaxial with said visible light source and said invisible light source, said dual mirror assembly having a first side opposite said invisible light source and a second side opposite said visible light source such that in operation said invisible light beam and said visible light beam are both reflected and converge at a common point” and in combination with the other recited limitations of claim 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan D Valentin II whose telephone number is (571) 272-2433. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Juan D Valentin II
Examiner 2877
JDV
September 18, 2004



ZANDRA V. SMITH
PRIMARY EXAMINER